

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THOMAS W. TREFNY,
Plaintiff

v.

HYANNIS HARBOR TOURS, INC.,
Defendant

CIVIL ACTION NO. 04-10798-NG

REQUEST FOR LEAVE TO SUBMIT REPLY BRIEF

The defendant, Hyannis Harbor Tours, Inc., hereby seeks leave pursuant to L.R. 7.1(B)(3) to submit a reply memorandum in connection with its pending motion for summary judgment. As grounds for its motion, the plaintiff has incorrectly characterized a number of points as *undisputed* which are in fact subject to serious dispute. In addition, plaintiff has mischaracterized the effect of the evidence that he cannot produce, to which the defendant deserves an opportunity to clarify.

Request for Oral Argument

Defendant requests oral argument on the pending summary judgment motion, suggesting it as useful to the Court's understanding of the issues.

WHEREFORE, the Defendant urges that the Court accept and consider the accompanying Reply Memorandum.

CERTIFICATE OF SERVICE: By my signature below, I, Michael Rauworth, hereby certify that on the date set forth below, I have electronically filed this document with the Clerk of Court using the CM/ECF system, which will send notification of such filings(s) to the attorneys designated below as ECF recipients, and I hereby certify that on the same date, I have mailed, via United States Postal Service, the document(s) to the non-registered participants reflected below as being provided copies by mail.

Dated: May 12, 2005

served upon:

David Anderson, Esq. (By ECF notice)
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HYANNIS HARBOR TOURS, INC.

By its attorneys,

/s/ Michael Rauworth

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